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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,124	06/16/2006	Aldo Giannozzi	PP019745.0003	6885

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EXAMINER	
HENRY, MICHAEL C	
ART UNIT	**PAPER NUMBER**
1623	

MAIL DATE	DELIVERY MODE
10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,124	GIANNOZZI ET AL.	
	Examiner	Art Unit	
	Michael C. Henry	1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 34* is/are rejected.

7)☐ Claim(s) *4-33 and 35-45* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-45 are pending in application

Claim Objections

Claims 4-31, 33, 35-45 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-31, 33-45 **have not been further** treated on the merits.

Claim 32 is objected to because of the following informalities: The claim recites the phrase "saccharide saccharide" which appears to be a typographical error. It appears that the phrase"saccharide saccharide" should be replaced by the word "saccharide saccharide". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites the phrase "wherein; R^1 is H, A is -OC(O)- and L is $-(CH_2)_4$-". However, the claim is indefinite since it is unclear which formula is being referred to "wherein R^1 is H, A is -OC(O)- and L is $-(CH_2)_4$" since the claim lacks a structural formula and is not a dependent claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Eagle et al. (Journal of Chemical Research Synoses (1993), (10), 390) (Abstract Only).

Claim 1 is drawn to a modified capsular saccharide comprising a moiety of the formula (I): -A-N(K1)-L-M wherein: A is a bond, -C(O)- or -OC(O)- ; R^1 is selected from H or C_1-C_6 alkyl; L is a C_1-C_{12} alkylene group; M is a masked aldehyde group. Eagle et al. disclose applicant's saccharide of the formula (I) wherein A is -OC(O)- ; R^1 is H, L is a C_6 alkylene group and M is a masked aldehyde group, CN (see abstract). Eagle et al.'s saccharide has the Cas # 153214-95-0 (see abstract). Claim 2 is drawn to a modified capsular saccharide of claim 1 wherein A is -OC(O)-. Eagle et al. disclose applicant's saccharide of the formula (I) wherein A is -OC(O)- ; R^1 is H, L is a C_6 alkylene group and M is a masked aldehyde group, CN (see abstract). Eagle et al.'s saccharide has the Cas # 153214-95-0 (see abstract). Claim 3 is drawn to a modified capsular saccharide of claim 1 or 2 wherein R^1 is H. Eagle et al. disclose applicant's saccharide of the formula (I) wherein A is -OC(O)- ; R^1 is H, L is a C_6 alkylene group and M is a masked aldehyde group, CN (see abstract). Eagle et al.'s saccharide has the Cas # 153214-95-0 (see abstract).

Allowable Subject Matter

The examiner has found claim 32 to be unobvious over the prior art of record and may

therefore be allowable over the prior art of record provided the objection of the claim is overcome. Claim 32 is drawn to a process for modifying a Neiaseria meningitidis serogroup A saccharide comprising the steps of: (a) providing a Neisseria meningitidis serogroup A saccharide; (b) reacting a hydroxyl group on the saccharide with CDI in DMSO solvent; (c) reacting the product of step (b) with H2N(CH2)3CH(OH)CH2OH; (d) cleaving the product of step (c) with periodate, thereby prodding an aldehyde compound; and (e) linking the aldehyde compound of step (d) to a protein by a reductive amination reaction using NaBH3CN. The prior does no teach or suggest the method of modifying the said saccharide as set forth by the steps and using the specifically recited agents as claimed in the instant invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Henry whose telephone number is 571-272-0652. The examiner can normally be reached on 8.30am-5pm; Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Henry

9/27/07

Shaojia Anna Jiang, Ph.D.
Supervisory Patent Examiner
Art Unit 1623

September 27, 2007.